

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

**Gayl Flynn, Individually and as Special Rep v. Consolidated City of Indianapolis and Marion County,  
Daniel Butler, Omari Stringer et al**

Case Number 49D06-2107-CT-024397

Court Marion Superior Court 6

Type CT - Civil Tort

Filed 07/20/2021

Status 07/20/2021 , Pending (active)

**Parties to the Case**

**Defendant Consolidated City of Indianapolis and Marion County**

Address

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**Defendant Butler, Daniel**

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Defendant Stringer, Omari

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Defendant St. John, Cody

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Plaintiff Flynn, Individually and as Special Rep, Gayl

Attorney

Brandon Eric Tate  
#3153149, Retained

156 E Market ST  
FL 5  
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317-296-5294(W)

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## Chronological Case Summary

07/20/2021 Case Opened as a New Filing

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**07/21/2021 Complaint/Equivalent Pleading Filed**

Complaint for Damages and Jury Demand

Filed By: Flynn, Individually and as Special Rep, Gayl  
File Stamp: 07/20/2021

**07/21/2021 Appearance Filed**

Appearance - BET

For Party: Flynn, Individually and as Special Rep, Gayl  
File Stamp: 07/20/2021

**07/21/2021 Subpoena/Summons Filed**

Summons - City

Filed By: Flynn, Individually and as Special Rep, Gayl  
File Stamp: 07/20/2021

**07/21/2021 Subpoena/Summons Filed**

Summons - Butler

Filed By: Flynn, Individually and as Special Rep, Gayl  
File Stamp: 07/20/2021

**07/21/2021 Subpoena/Summons Filed**

Summons - Stringer

Filed By: Flynn, Individually and as Special Rep, Gayl  
File Stamp: 07/20/2021

**07/21/2021 Subpoena/Summons Filed**

Summons - Pervine

Filed By: Flynn, Individually and as Special Rep, Gayl  
File Stamp: 07/20/2021

**07/21/2021 Subpoena/Summons Filed**

Summons - St. John

Filed By: Flynn, Individually and as Special Rep, Gayl  
File Stamp: 07/20/2021

**07/21/2021 Certificate of Issuance of Summons**

Certificate of Issuance of Summons

Filed By: Flynn, Individually and as Special Rep, Gayl  
File Stamp: 07/21/2021

**07/28/2021 Certified Mail Returned**

GREEN CARD SIGNED

Party Served: St. John, Cody

**07/28/2021 Certified Mail Returned**

GREEN CARD SIGNED

Party Served: Butler, Daniel

**07/28/2021 Certified Mail Returned**

GREEN CARD SIGNED

Party Served: Pervine, Dustin

07/28/2021 **Certified Mail Returned**

GREEN CARD SIGNED

Party Served: Consolidated City of Indianapolis and Marion County

07/28/2021 **Certified Mail Returned**

GREEN CARD SIGNED

Party Served: Stringer, Omari

08/05/2021 **Appearance Filed**

Appearance

For Party: Consolidated City of Indianapolis and Marion County

For Party: Butler, Daniel

For Party: Stringer, Omari

For Party: Pervine, Dustin

For Party: St. John, Cody

File Stamp: 08/05/2021

08/05/2021 **Notice Filed**

Notice of Automatic Extension of Time

Filed By: Consolidated City of Indianapolis and Marion County

Filed By: Butler, Daniel

Filed By: Stringer, Omari

Filed By: Pervine, Dustin

Filed By: St. John, Cody

File Stamp: 08/05/2021

## Financial Information

\* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

### Flynn, Individually and as Special Rep, Gayl

Plaintiff

Balance Due (as of 08/19/2021)

0.00

### Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

### Transaction Summary

Date	Description	Amount
07/21/2021	Transaction Assessment	157.00
07/21/2021	Electronic Payment	(157.00)

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STATE OF INDIANA  
COUNTY OF MARION

MARION COUNTY SUPERIOR COURT  
SS:  
CAUSE NO.

**Gayl Ann Flynn, individually and as  
Special Representative of the Estate of  
Edward Louis Flynn,**

Plaintiffs,

v.

**Consolidated City of Indianapolis  
and Marion County, Daniel Butler,  
Omari Stringer, Dustin Pervine,  
and Cody St. John,**

Defendants.

**Plaintiffs' Complaint for  
Damages and Jury Trial  
Demand**

**Comes now** Plaintiff, Gayl Ann Flynn, individually and as Special Representative of the Estate of Edward Louis Flynn, and for her Complaint for Damages against the Consolidated City of Indianapolis and Marion County ("City"), Daniel Butler ("Ofc. Butler"), Omari Stringer ("Ofc. Stringer"), Dustin Pervine ("Ofc. Pervine"), and Cody St. John ("Ofc. St. John") (collectively "Defendants") states as follows:

**Introduction**

1. On December 15, 2020, Edward Louis Flynn tragically lost his life after his vehicle was struck by a vehicle being pursued by officers of the Indianapolis Metropolitan Police Department in a high-speed chase while he was stopped at an intersection in Indianapolis, Indiana just waiting to proceed through the intersection.

2. This is an action for violation and deprivation of civil rights brought by Plaintiff Gayl Ann Flynn, individually and as Special Representative of the Estate of

Edward Louis Flynn (“Gayl”), against the City, Ofc. Butler, Ofc. Stringer, Ofc. Pervine, and Ofc. St. John, under 42 U.S.C. § 1983 seeking all damages recoverable, and for claims under the laws of the State of Indiana seeking all damages recoverable.

## **Parties**

### **A. Gayl Ann Flynn Individually and as Special Representative of the Estate of Edward Louis Flynn**

3. Gayl is the Special Administrator of the Estate of Edward Louis Flynn, Deceased, having been appointed as such by the Marion County, Indiana Superior Court, Probate Division.

4. Gayl was the wife of Edward Louis Flynn (“Edward”).

5. Gayl is a resident of Indianapolis, Marion County, Indiana.

6. At the time of his death, Edward Louis Flynn was a resident of Indianapolis, Marion County, Indiana.

### **B. Defendants City, Ofc. Butler, Ofc. Stringer, Ofc. Pervine, and Ofc. St. John.**

7. The City is a city incorporated under Indiana law and is located in Marion County, Indiana.

8. The City operates and controls the Indianapolis Metropolitan Police Department (“IMPD”) for the purpose of providing public safety and protection to the citizens of Indianapolis and the Indianapolis Metropolitan Police Department.

9. Ofc. Butler was at all times relevant hereto a law enforcement officer, as that term is defined in Ind. Code § 35-41-1-17, and an employee of the IMPD and City who was performing his duties for an acting as an officer of the IMPD, and was acting under color of state law.



10. Ofc. Stringer was at all times relevant hereto a law enforcement officer, as that term is defined in Ind. Code § 35-41-1-17, and an employee of the IMPD and City who was performing his duties for an acting as an officer of the IMPD, and was acting under color of state law.

11. Ofc. Pervine was at all times relevant hereto a law enforcement officer, as that term is defined in Ind. Code § 35-41-1-17, and an employee of the IMPD and City who was performing his duties for an acting as an officer of the IMPD, and was acting under color of state law.

12. Ofc. St. John was at all times relevant hereto a law enforcement officer, as that term is defined in Ind. Code § 35-41-1-17, and an employee of the IMPD and City who was performing his duties for an acting as an officer of the IMPD, and was acting under color of state law.

13. The acts and omissions giving rise to this action occurred in Indianapolis, Marion County, Indiana.

### **Factual Allegations Relevant to All Counts**

#### **A. Edward Louis Flynn.**

14. On December 15, 2020, Edward was the age of sixty-six (66).

15. Edward was born in Indianapolis on January 6, 1954.

16. Edward was a dedicated and beloved employee of the Indianapolis Star News, and would have celebrated his fifty (50) year anniversary at the Indianapolis Star News in September of 2021.

17. Edward was survived by his wife, Gayl, and his adult sons Christopher and Dale.

**B. The Death of Edward Louis Flynn.**

18. On December 15, 2020, Ofc. Butler and Ofc. Stringer were dispatched to the AutoZone store located at 5050 W Washington St, Indianapolis, Indiana 46241 to investigate a report of the presence of an alleged stolen vehicle, a Ford F-150, in its parking lot, arriving at approximately 5:48 p.m.

19. Upon arrival, Ofc. Butler and Ofc. Stringer exited their vehicles with weapons drawn and attempted to contact the individual in the vehicle.

20. After Ofc. Butler and Ofc. Stringer briefly approached the vehicle and knocked on the windows of the unknown vehicle asking the driver to open the door when the Ford F-150 reversed and drove away from the AutoZone.

21. The vehicle was occupied by and being operated by James Shirley, the identity of whom was unknown by Defendants until after the collision.

22. Ofc. Stringer then initiated a high-speed chase with Ofc. Butler following behind him also initiating a high-speed chase.

23. The chase began by leading east on Washington Street, then south on Westbrook Avenue, east on Morris Street, and then south on Lynhurst Drive.

24. At that time, Ofc. Pervine joined, initiated, and continued in the high-speed chase.

25. Ofc. St. John then joined, initiated, and continued the chase attempting to deploy stop sticks at the intersection of Raymond Street and Lynhurst Drive then pursuing the vehicles thereafter.

26. The chase then led west on Bradbury Avenue, west on Sam Jones Expressway, north on I-465, east on Washington St. from I-465, and finally east on Morris St. when the Ford F-150 struck the vehicle being driven by Edward, that was simply sitting at the intersection of Lynhurst Dr. and Morris St, causing Edward's vehicle to strike a pole and roll several times.

27. In total, the high-speed chase lasted more than five (5) minutes.

28. Edward was transported to Methodist Hospital by Way Township Medics from the scene of the collision but was declared deceased at Methodist Hospital due to injuries suffered from the collision.

29. The high-speed chase occurred on local roads well in excess of the speed limits.

30. Upon initiating the high-speed chase, the Defendants had not confirmed the vehicle was in fact a stolen vehicle and had not identified anything about the driver.

31. The Defendants acted without due regard of the safety of other drivers and pedestrians in the vicinity of the high-speed chase and in a high traffic area.

32. Ofc. Butler and Ofc. Stringer ignored steps that could have prevented the high-speed chase, such as positioning their vehicles differently upon arrival at the scene and calling for backup.

33. The Defendants continued the dangerous high-speed chase after initiation and did not call it off even though it threatened the lives of innocent bystanders.

34. The high speeds posed an inherent risk to the public.

35. The collision and chase occurred in the evening with lower visibility due lighting with it being nighttime.

36. There were heavy traffic conditions at the time of the chase and collision.

37. The only act witnessed by the Defendants was the act of fleeing alone.

### **C. General**

38. The policies, procedures, and customs of the City led to, permitted, and countenanced the chase, collision, and violations of Edward's constitutional rights.

39. Additionally, the actions of the Defendants constitute deliberate indifference and shock the conscious.

40. The failure of the City to follow and enforce some of its own internal policies and procedures led to and caused the deadly high-speed chase, deprived Edward of his constitutional and federal rights under 42 U.S.C. § 1983 and caused Edward's death.

41. The City's General Order 4.12 and its authorized and maintained policies, practices, and/or customs caused, allowed, and/or approved the constitutional violations of the other Defendants.

42. The City has failed to institute, maintain and enforce proper procedures for training and re-training its officers relative to high-speed chases; monitoring and supervising its officers relative to high-speed chases; and disciplining its officers relative to high-speed chases, all of which constitute a willful and deliberate indifference to and a willful and deliberate disregard of the serious risk of significant

harm to members of the public, shock the conscious, and demonstrate a reckless and callous indifference to the Constitutional rights of members of the public, which led to and caused the death of Edward.

43. The failure of the City to properly and adequately review, revise, implement and enforce its policies, procedures and customs relative to investigating and handling high-speed chases in which its officers are involved shock the conscious, constitutes a willful and deliberate indifference to and a willful and deliberate disregard of the serious risk of significant harm to members of the public, and led directly to the continued dangerous high-speed chases and led to and caused the death of Edward.

44. The failure of the City to properly and adequately review and revise its policies, procedures and customs relative to investigating and otherwise handling high-speed chases shock the conscious and constituted a willful and deliberate indifference to and a willful and deliberate disregard of the serious risk of significant harm to members of the public and demonstrate a reckless and callous indifference to the Constitutional rights of members of the public, and led directly to the unreasonable, unnecessary and deadly high-speed chase led to and caused the death of Edward.

45. Defendants' actions leading to and causing the collision shock the conscience.

46. Defendants intended to cause harm by among other things intentionally engaging in a high-speed chase while also refusing to disengage the high-speed chase prior to the collision.

47. Defendants violated Edward's Fourteenth Amendment due process rights.

48. Defendants had a duty to drive with due regard for the safety of all persons, which Defendants did not.

49. Defendants failed to exercise reasonable care.

50. The City has a custom and practice of engaging in a significantly higher number of pursuits than similarly sized departments from around the country.

51. By virtue of Indiana's statutory caps and the post-deprivation procedures in Indiana, Plaintiff has effectively been denied due process of law for an adequate opportunity to seek compensation for the state-occasioned deprivation of Edward's life.

52. The Defendants knew and/or should have known that a collision was imminent, but consciously and culpably refused to prevent it.

53. Defendants had over five minutes to weigh the risks of pursuing the fleeing vehicle.

54. Defendants initiated and continued this high-speed chase through residential and retail business areas within the city limits of Indianapolis during time periods when there were high volumes of vehicular traffic throughout the chase route. Defendants and each of them were at all times fully aware that initiating and

continuing a high-speed chase in the aforesaid areas at approximately 5:50 p.m. on a weekday exposed innocent and unknowing drivers in these areas to an unreasonable risk of harm.

55. Edward had absolutely no warning or notice that Defendants were conducting a high-speed chase in the same area at the same time he was waiting at an intersection, nor did Defendants attempt to provide warning or notice of same.

56. Defendants initiated and continued their high-speed pursuit of James Shirley as James Shirley's vehicle drove through a red light and struck and killed Edward.

57. The manner in which Defendants initiated and continued their high-speed pursuit of James Shirley, solely incidental to the fleeing of James Shirley vehicle, through crowded city streets in both residential and commercial areas of Indianapolis at approximately 5:50 p.m. shocks the conscience, is evidence of an utter disregard for public safety, and demonstrates there was a purposeful effort to cause harm to James Shirley.

58. The manner in which Defendants made the decision to initiate their high-speed pursuit of an unknown individual, and the manner in which they made the decision to continue the high-speed pursuit through crowded city streets in residential and commercial areas of Indianapolis, demonstrates an express policy or widespread practice of Defendants to initiate and/or continue high-speed pursuits in nonemergency situations and shows bad faith and an intent to harm the public in general and specifically the Plaintiffs.

59. Edward Louis Flynn was killed as a direct and proximate result of Defendants' egregious conduct in conducting the high-speed pursuit of James Shirley as aforesaid and, as a result, was deprived of his rights, privileges, and immunities secured to him under the Fourteenth Amendment to the Constitution of the United States of America as well as applicable federal law.

60. The Defendants had a duty and obligation to both initiate and continue their high-speed pursuit of James Shirley, as aforesaid, so as not to deprive the public generally and specifically Edward Louis Flynn of the rights, privileges, and immunities secured to him under the Constitution of the United States of America and pursuant to Federal law.

61. As a direct and proximate cause of Defendants' unconstitutional acts and unlawful conduct as aforesaid, the Estate of Edward Louis Flynn sustained great pecuniary loss in the form of burial expense, funeral expense, medical and hospital expenses, future support, love, care, and affection, the costs of administering the estate, and other damages.

### **Count I (Civil Rights Violation under § 1983)**

62. Plaintiff, Gayl Ann Flynn, Individually and as Special Administrator of the Estate of Edward Louis Flynn, hereby incorporates by reference, re-states and re-alleges the allegations contained in the prior paragraphs as though fully set out herein.



63. Plaintiff claims damages from the Defendants for the violations of her and Edward Louis Flynn's constitutional rights under 42 U.S.C. § 1983 and Edward's death, as set out in this Complaint.

**Wherefore** Plaintiff prays for awards against all Defendants of compensatory and punitive damages, administrative costs and expenses, attorneys fees and costs, and all other damages recoverable against the Defendants under 42 U.S.C. § 1983, and all other just and proper relief in the premises.

## **Count II (Negligence)**

64. Plaintiff, Gayl Ann Flynn, Individually and as Special Administrator of the Estate of Edward Louis Flynn, hereby incorporates by reference, re-states and re-alleges the allegations contained in the prior paragraphs as though fully set out herein.

65. Defendants owed the duty to operate emergency vehicles with due care and with due regard for the safety of all persons, and to protect the public among other things.

66. Defendants breached their duties owed.

67. As a direct and proximate result, Edward Louis Flynn was killed, and Plaintiff and Edward Louis Flynn suffered damages, including but not limited to, personal injuries, loss of support, love, and affection, incurred medical and hospital expenses, and endured physical pain, emotional suffering, and loss of enjoyment of life.

68. The City is liable under the theory of *respondeat superior* and was independently negligent.

**Wherefore** Plaintiff prays the Court to enter judgment in her and the Estates favor on Count II against all Defendants, award damages to which they are entitled, and grant all further just and appropriate relief in the premises

### **Count III (Negligence – Wrongful Death)**

69. Plaintiff, Gayl Ann Flynn, Individually and as Special Administrator of the Estate of Edward Louis Flynn, hereby incorporates by reference, re-states and re-alleges the allegations contained in the prior paragraphs as though fully set out herein.

70. As a direct result of Defendants' negligence, Edward was killed.

71. By reason of the death of Edward, which resulted from Defendants' negligence, Plaintiff and Edward Louis Flynn suffered damages including, but not limited to, loss of support, services, love and affection, medical, hospital, funeral and burial expenses, and costs and expenses of administration of his estate, including attorney fees.

72. By reason of the death of Edward Louis Flynn, Plaintiff has suffered damages, including but not limited to, the loss of consortium, loss of services, support, love and companionship of her husband.

73. The Estate of Edward Louis Flynn is entitled to recover attorney fees and expenses associated with the administration of the Estate and costs of this action.

74. The City is liable under the theory of *respondeat superior* and was independently negligent.

**Wherefore** Plaintiff prays the Court to enter judgment in her and the Estates favor on Count III against Defendants for the wrongful death of Edward Louis Flynn, and for an amount sufficient to compensate for all damages, and grant all further just and appropriate relief in the premises.

#### **Count IV (Negligence *Per Se*)**

75. Plaintiff, Gayl Ann Flynn, Individually and as Special Administrator of the Estate of Edward Louis Flynn, hereby incorporates by reference, re-states and re-alleges the allegations contained in the prior paragraphs as though fully set out herein.

76. Defendants' actions and inactions set forth herein constitute negligence *per se* from violations of Indiana Code § 9-21-1-8 among other things.

77. The injuries and damages complained of herein are direct and proximate result of the negligence, carelessness, gross negligence, reckless indifference, and outrageous conduct of Defendants.

78. The negligence, carelessness, gross negligence, reckless indifference, and outrageous conduct of Defendants set forth herein increased the risk that Edward would be killed.

79. As a direct and proximate result, Edward Louis Flynn was killed, and Plaintiff and Edward Louis Flynn suffered damages, including but not limited to, personal injuries, loss of support, love and affection, incurred medical and hospital

expenses, and endured physical pain, emotional suffering, and loss of enjoyment of life.

80. The City is liable under the theory of *respondeat superior* and was independently negligent.

**Wherefore** Plaintiff prays the Court to enter judgment in her and the Estates favor on Count II, award all damages to which they are entitled, and grant all further just and appropriate relief in the premises.

**Count V**  
**(Negligence *Per Se* – Wrongful Death)**

81. Plaintiff, Gayl Ann Flynn, Individually and as Special Administrator of the Estate of Edward Louis Flynn, hereby incorporates by reference, re-states and re-alleges the allegations contained in the prior paragraphs as though fully set out herein.

82. Defendants' actions and inactions set forth herein constitute negligence *per se* from violations of Indiana Code § 9-21-1-8 among other things.

83. The injuries and damages complained of herein are direct and proximate result of the negligence, carelessness, gross negligence, reckless indifference, and outrageous conduct of Defendants.

84. The negligence, carelessness, gross negligence, reckless indifference, and outrageous conduct of Defendants set forth herein increased the risk that Edward would be killed.

85. By reason of the death of Edward, which resulted from Defendants' negligence, Plaintiff and Edward Louis Flynn suffered damages including, but not

limited to, loss of support, services, love and affection, medical, hospital, funeral and burial expenses, and costs and expenses of administration of his estate, including attorney fees.

86. By reason of the death of Edward Louis Flynn, Plaintiff has suffered damages, including but not limited to, the loss of consortium, loss of services, support, love and companionship of her husband.

87. The Estate of Edward Louis Flynn is entitled to recover attorney fees and expenses associated with the administration of the Estate and costs of this action.

88. The City is liable under the theory of *respondeat superior* and was independently negligent.

**Wherefore** Plaintiff prays the Court to enter judgment in her and the Estates favor on Count V against Defendants for the wrongful death of Edward Louis Flynn, and for an amount sufficient to compensate for all damages and grant all further just and appropriate relief in the premises.

Respectfully Submitted,

WALDRON TATE BOWEN  
FUNK SPANDAU LLC

/s/ Brandon E. Tate

Brandon E. Tate (Atty. No. 31531-49)  
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*Counsels for Plaintiff*

## **Jury Demand**

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff, by counsel, respectfully demands a trial by jury on all accounts deemed so triable.

Respectfully submitted,

WALDRON TATE BOWEN  
FUNK SPANDAU LLC

/s/ Brandon E. Tate

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*Counsels for Plaintiff*

STATE OF INDIANA  
COUNTY OF MARION

MARION COUNTY SUPERIOR COURT  
SS:  
CAUSE NO.

**Gayl Ann Flynn, individually and as  
Special Representative of the Estate of  
Edward Louis Flynn,**

Plaintiffs,

v.

**Consolidated City of Indianapolis  
and Marion County, Daniel Butler,  
Omari Stringer, Dustin Pervine,  
and Cody St. John,**

Defendants.

**E-Filing Appearance by  
Attorney in Civil Case**

**This Appearance Form must be filed on behalf of every party in a civil case.**

1. The party on whose behalf this form is being filed is:  
Initiating  X  Responding   Intervening  ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party(ies): Gayl Ann Flynn, individually and as special  
representatives of the estate of Edward Louis Flynn

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: Brandon E. Tate Atty Number: 31531-49  
Law Firm: WALDRON TATE BOWEN FUNK SPANDAU LLC  
Address: 156 E. Market Street, 5<sup>th</sup> Floor, Indianapolis, Indiana 46204  
Phone: (317) 296-5294  
FAX: (317) 423-0772  
Email Address: brandon@wtbfs-law.com

3. Important: Each attorney specified on this appearance:  
a. Certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date



of this Appearance;

- b. **Acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and**
- c. Understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R.2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

- 4. This is a CT case type as defined in administrative Rule 8(B)(3).
- 5. I will accept service from other parties by:  
FAX at the above noted number: Yes      No X
- 6. This case involves child support issues. Yes      No X
- 7. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes      No X
- 8. This case involves a petition for involuntary commitment. Yes      No X
- 8. There are related cases: Yes      No X
- 9. Additional information required by local rule:
- 10. There are other party members: Yes      No X
- 11. This form has been served on all other parties and Certificate of Service is attached:  
Yes X No

Respectfully submitted,

WALDRON TATE BOWEN  
FUNK SPANDAU LLC

/s/Brandon E. Tate

Brandon E. Tate, Attorney No. 31531-49

156 E. Market St., 5<sup>th</sup> Floor

Indianapolis, IN 46204

317.296.5294

F: 317.423.0772

brandon@wtbfs-law.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing has been served on the following by certified mail on July 20, 2021:

**Consolidated City of Indianapolis and Marion County**  
200 E. Washington St.  
Suite 2501  
Indianapolis, IN 46204

**Ofc. Daniel Butler**  
50 N Alabama St  
Indianapolis, IN 46204

**Omari Stringer**  
50 N Alabama St  
Indianapolis, IN 46204

**Dustin Pervine**  
50 N Alabama St  
Indianapolis, IN 46204

**Cody St. John**  
50 N Alabama St  
Indianapolis, IN 46204

/s/ Brandon E. Tate

Brandon E. Tate, Attorney No. 31531-49

STATE OF INDIANA  
COUNTY OF MARION

MARION COUNTY SUPERIOR COURT  
SS:  
CAUSE NO.

**Gayl Ann Flynn, individually and as  
Special Representative of the Estate of  
Edward Louis Flynn,**

Plaintiffs,

v.

**Consolidated City of Indianapolis  
and Marion County, Daniel Butler,  
Omari Stringer, Dustin Pervine,  
and Cody St. John,**

Defendants.

## S U M M O N S

**To the Defendant(s) named above:**

**Consolidated City of Indianapolis  
and Marion County  
200 E Washington St., Suite 2501  
Indianapolis, IN 46204**

You are hereby notified that you have been sued by the persons named "Plaintiffs" in the Court stated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiffs.

An answer or other appropriate response in writing to the Complaint must be filed either by your or your attorney within twenty (20) days commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiffs.

If you have a claim for relief against the Plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

The following documents are also served with this Summons:

*Complaint and Appearance*

Dated: 7/21/2021

Mylan A. Eldridge  
Clerk, Marion County Superior Court

The following manner of service of summons is hereby designated:

**Certified Mail on Individual at above address**

PREPARED BY:

/s/ Brandon E. Tate  
Brandon E. Tate  
WALDRON TATE BOWEN  
FUNK SPANDAU LLC  
156 E Market Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
317.296.5294  
F: 317.423.0772  
brandon@wtbfs-law.com



STATE OF INDIANA  
COUNTY OF MARION

MARION COUNTY SUPERIOR COURT  
SS:  
CAUSE NO.

**Gayl Ann Flynn, individually and as  
Special Representative of the Estate of  
Edward Louis Flynn,**

Plaintiffs,

v.

**Consolidated City of Indianapolis  
and Marion County, Daniel Butler,  
Omari Stringer, Dustin Pervine,  
and Cody St. John,**

Defendants.

## S U M M O N S

**To the Defendant(s) named above:**

**Ofc. Daniel Butler  
50 N Alabama St  
Indianapolis, IN 46204**

You are hereby notified that you have been sued by the persons named "Plaintiffs" in the Court stated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiffs.

An answer or other appropriate response in writing to the Complaint must be filed either by your or your attorney within twenty (20) days commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiffs.

If you have a claim for relief against the Plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

The following documents are also served with this Summons:

*Complaint and Appearance*

Dated: 7/21/2021

Myla A. Eldridge  
Clerk, Marion County Superior Court

The following manner of service of summons is hereby designated:

**Certified Mail on Individual at above address**

PREPARED BY:

/s/ Brandon E. Tate  
Brandon E. Tate  
WALDRON TATE BOWEN  
FUNK SPANDAU LLC  
156 E Market Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
317.296.5294  
F: 317.423.0772  
brandon@wtbfs-law.com



STATE OF INDIANA  
COUNTY OF MARION

MARION COUNTY SUPERIOR COURT  
SS:  
CAUSE NO.

**Gayl Ann Flynn, individually and as  
Special Representative of the Estate of  
Edward Louis Flynn,**

Plaintiffs,

v.

**Consolidated City of Indianapolis  
and Marion County, Daniel Butler,  
Omari Stringer, Dustin Pervine,  
and Cody St. John,**

Defendants.

## S U M M O N S

**To the Defendant(s) named above:**

**Ofc. Omari Stringer  
50 N Alabama St  
Indianapolis, IN 46204**

You are hereby notified that you have been sued by the persons named "Plaintiffs" in the Court stated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiffs.

An answer or other appropriate response in writing to the Complaint must be filed either by your or your attorney within twenty (20) days commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiffs.

If you have a claim for relief against the Plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

The following documents are also served with this Summons:

*Complaint and Appearance*



Dated: 7/21/2021

Mylan A. Edwards  
Clerk, Marion County Superior Court

The following manner of service of summons is hereby designated:

**Certified Mail on Individual at above address**

PREPARED BY:

/s/ Brandon E. Tate  
Brandon E. Tate  
WALDRON TATE BOWEN  
FUNK SPANDAU LLC  
156 E Market Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
317.296.5294  
F: 317.423.0772  
brandon@wtbfs-law.com



STATE OF INDIANA  
COUNTY OF MARION

MARION COUNTY SUPERIOR COURT  
SS:  
CAUSE NO.

**Gayl Ann Flynn, individually and as  
Special Representative of the Estate of  
Edward Louis Flynn,**

Plaintiffs,

v.

**Consolidated City of Indianapolis  
and Marion County, Daniel Butler,  
Omari Stringer, Dustin Pervine,  
and Cody St. John,**

Defendants.

## S U M M O N S

**To the Defendant(s) named above:**

**Ofc. Dustin Pervine  
50 N Alabama St  
Indianapolis, IN 46204**

You are hereby notified that you have been sued by the persons named "Plaintiffs" in the Court stated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiffs.

An answer or other appropriate response in writing to the Complaint must be filed either by your or your attorney within twenty (20) days commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiffs.

If you have a claim for relief against the Plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

The following documents are also served with this Summons:

*Complaint and Appearance*

Dated: 7/21/2021

Mykel A. Eldridge  
Clerk, Marion County Superior Court

The following manner of service of summons is hereby designated:

**Certified Mail on Individual at above address**

PREPARED BY:

/s/ Brandon E. Tate  
Brandon E. Tate  
WALDRON TATE BOWEN  
FUNK SPANDAU LLC  
156 E Market Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
317.296.5294  
F: 317.423.0772  
[brandon@wtbfs-law.com](mailto:brandon@wtbfs-law.com)



STATE OF INDIANA  
COUNTY OF MARION

MARION COUNTY SUPERIOR COURT  
SS:  
CAUSE NO.

**Gayl Ann Flynn, individually and as  
Special Representative of the Estate of  
Edward Louis Flynn,**

Plaintiffs,

v.

**Consolidated City of Indianapolis  
and Marion County, Daniel Butler,  
Omari Stringer, Dustin Pervine,  
and Cody St. John,**

Defendants.

## S U M M O N S

**To the Defendant(s) named above:**

**Ofc. Cody St. John  
50 N Alabama St  
Indianapolis, IN 46204**

You are hereby notified that you have been sued by the persons named "Plaintiffs" in the Court stated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiffs.

An answer or other appropriate response in writing to the Complaint must be filed either by your or your attorney within twenty (20) days commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiffs.

If you have a claim for relief against the Plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

The following documents are also served with this Summons:

*Complaint and Appearance*

Dated: 7/21/2021

Myra A. Eldridge  
Clerk, Marion County Superior Court

The following manner of service of summons is hereby designated:

**Certified Mail on Individual at above address**

PREPARED BY:

/s/ Brandon E. Tate  
Brandon E. Tate  
WALDRON TATE BOWEN  
FUNK SPANDAU LLC  
156 E Market Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
317.296.5294  
F: 317.423.0772  
brandon@wtbfs-law.com



STATE OF INDIANA  
COUNTY OF MARION

SS: MARION COUNTY SUPERIOR COURT  
CAUSE NO. 49D06-2107-CT-024397

**Gayl Ann Flynn, individually and as  
Special Representative of the Estate of  
Edward Louis Flynn,**

Plaintiffs,

v.

**Consolidated City of Indianapolis  
and Marion County, Daniel Butler,  
Omari Stringer, Dustin Pervine,  
and Cody St. John**

Defendants.

## Certificate of Issuance of Summons

I, Brandon E. Tate, Attorney for the Plaintiff(s), do hereby certify that on the 21<sup>st</sup> day of July, 2021, I sent, by certified mail USPS return receipt requested, a filed stamped copy of the Summons and copy of the Complaint for this case to each of the following defendants:

**Party Served:** Consolidated City of Indianapolis  
and Marion County

Method of Service: Certified Mail USPS

Address of Party: 200 E. Washington Street, Suite 2501  
Indianapolis, Indiana 46204

Tracking/Identification Number: 7019 1640 0000 0855 9254

**Party Served:** Ofc. Daniel Butler

Method of Service: Certified Mail USPS

Address of Party: 50 North Alabama Street  
Indianapolis, Indiana 46204

Tracking/Identification Number: 7019 1640 0000 0855 9230

**Party Served:** Ofc. Omari Stringer  
**Method of Service:** Certified Mail USPS  
**Address of Party:** 50 North Alabama Street  
Indianapolis, Indiana 46204  
**Tracking/Identification Number:** 7019 1640 0000 0855 9247

**Party Served:** Ofc. Dustin Pervine  
**Method of Service:** Certified Mail USPS  
**Address of Party:** 50 North Alabama Street  
Indianapolis, Indiana 46204  
**Tracking/Identification Number:** 7019 1640 0000 0855 9261

**Party Served:** Ofc. Cody St. John  
**Method of Service:** Certified Mail USPS  
**Address of Party:** 50 North Alabama Street  
Indianapolis, Indiana 46204  
**Tracking/Identification Number:** 7019 1640 0000 0855 9223

Respectfully submitted,

/s/ Brandon E. Tate  
Brandon E. Tate

**Waldron Tate Bowen**  
**Funk Spandau LLC**  
156 E Market St, 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
P: 317-296-5294  
F: 317-423-0772  
brandon@wtbfs-law.com

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Complete items 1, 2, and 3.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>CSQvid19</u></p> <p>C. Date of Delivery <u>7/23/21</u></p>	
<p>Is the delivery address below different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Is the delivery address below different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Ofc. Cody St. John</p> <p>50 N Alabama Street</p> <p>Indianapolis, Indiana 46204</p>		<p>Service type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	
<p>9590 9402 5475 9249 6153 99</p> <p>7025 1640 0000 0855 9223</p>		<p>Priority Mail Express®</p> <p>Registered Mail™</p> <p>Registered Mail Restricted Delivery</p> <p>Return Receipt for Merchandise</p> <p>Signature Confirmation™</p> <p>Signature Confirmation Restricted Delivery</p>	
<p>Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	



USPS TRACKING#



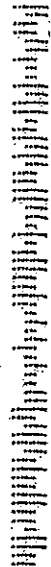
9590 9402 5475 9249 6153 99

United States  
Postal Service

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Marion County Clerk  
200 E. Washington Street, #W-122  
Indianapolis, Indiana 46204  
Cause No: 49D06-2107-CT-024397



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p><b>Ofc. Daniel Butler</b>  <b>50 N Alabama Street</b>  <b>Indianapolis, Indiana 46204</b></p>		<p>A. Signature  <input checked="" type="checkbox"/> <i>LS Covid 19</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>LS Covid 19</i> C. Date of Delivery <i>7/23/21</i></p> <p>Address different from item 1? <input type="checkbox"/> Yes  or delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Collection Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery  <input type="checkbox"/> Mail Restricted Delivery</p>		<p>Domestic Return Receipt</p>	



9590 9402 5475 9249 6154 05

Article Number (Transfer from service label)

7019 1640 0000 0855 9230

PS Form 3811, July 2015 PSN 7530-02-000-9053

USPS IRACKING#



9590 9402 5475 6426 4579 50

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box.

Postage &amp; Fees Paid

**အသံ**

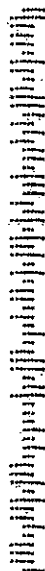
Permit No. G-10

Marion County Clerk  
200 E. Washington Street, #W-122  
Indianapolis, Indiana 46204  
**Cause No: 49D06-2107-CT-024397**

200 E. Washington Street, #W-122

**Indianapolis, Indiana 46204**

**Cause No: 49D06-2107-CT-024397**



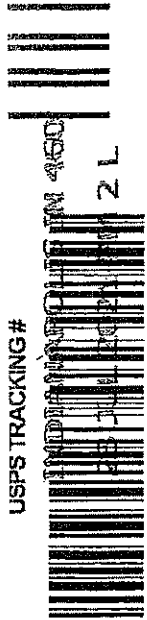
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><b>X</b> <i>LS David</i></p>	
<p>B. Received by (Printed Name)</p>		<p>C. Date of Delivery <i>7/23/21</i></p>	
<p>Address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If delivery address below:</p>		<p>Address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If delivery address below:</p>	
<p>Ofc. Dustin Pervine 50 N Alabama Street Indianapolis, Indiana 46204</p>		<p>Address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If delivery address below:</p>	

3. Service Type		4. Signature Confirmation	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Registered Mail Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING #



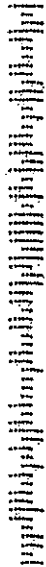
9590 9402 5475 5249 6154 29

United States  
Postal Service

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box\*

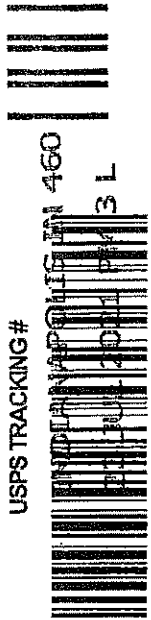
Marion County Clerk  
200 E. Washington Street, #W-122  
Indianapolis, Indiana 46204  
Cause No: 49D06-2107-CT-024397



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.            ■ Print your name and address on the reverse so that we can return the card to you.            ■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	
<p><b>Consolidated City of Indianapolis            and Marion County            200 E. Washington St., Suite 2501            Indianapolis, Indiana 46204</b></p>	
<p><b>1. Service Type</b></p> <p><input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Registered Mail  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	<p><b>2. Article Number (Transfer from service label)</b></p> <p>9590 9402 5475 9249 6154 36</p> <p>7015 1640 0000 0855 9254</p>
<p><b>3. Signature</b></p> <p><input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Other</p> <p>Yes different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No            delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Domestic Return Receipt</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

USPS TRACKING #



9590 9402 5475 9249 6154 36

United States  
Postal Service

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

\* Sender: Please print your name, address, and ZIP+4® in this box\*

Marion County Clerk  
200 E. Washington Street, #W-122  
Indianapolis, Indiana 46204  
**Cause No: 49D06-2107-CT-024397**



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <b>LS Covid 19</b></p> <p>B. Received by (Printed Name) <b>LS Covid 19</b></p> <p>C. Date of Delivery <b>7/23/21</b></p> <p>Is address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No delivery address below:</p>	
<p><b>Ofc. Omari Stringer</b> <b>50 N Alabama Street</b> <b>Indianapolis, Indiana 46204</b></p>		<p>3. Service Type  <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Mail  <input type="checkbox"/> Mail Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation®  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>Article Number (Transfer from service label) <b>9590 9402 5475 9249 6154 12</b></p>		<p>Domestic Return Receipt</p>	

S Form 3811, July 2015 PSN 7530-02-000-9053



USPS TRACKING#



9590 9402 5475 9249 6154 12

United States  
Postal Service

Marion County Clerk  
200 E. Washington Street, #W-122  
Indianapolis, Indiana 46204  
Cause No: 49D06-2107-CT-024397

• Sender: Please print your name, address, and ZIP+4® in this box•

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

IN THE MARION SUPERIOR COURT

CAUSE NO. 49D06-2107-CT-0243977

Defendants. )

## E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is: **Responding**

The undersigned attorneys listed on this form now appear in this case for the following parties:

CONSOLIDATED CITY OF INDIANAPOLIS and MARION COUNTY, DANIEL BUTLER,  
OMARI STRINGER, DUSTIN PERVINE and CODY ST. JOHN

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name: Tara L. Gerber (31717-49)  
Address: 200 East Washington Street, Suite 1601  
Indianapolis, IN 46204  
Phone: 317.327.4055  
Fax: 317.327.3968  
Email: tara.gerber@indy.gov

Name: Andrew J. Upchurch (30174-49)  
Address: 200 East Washington Street, Suite 1601  
Indianapolis, IN 46204  
Phone: 317.327.4055  
Fax: 317.327.3968

Email: andrew.upchurch@indy.gov

3. This is a "CT" case type as defined in Administrative Rule 8(B)(3).
4. I will not accept service from other parties by FAX or E-mail.
5. This case does not involve child support issues.
6. This case does not involve a protection from abuse order, a workplace violence restraining order, or a no-contact order.
7. This case does not involve a petition for involuntary commitment.
8. There are no individuals subject to a petition for involuntary commitment.
9. The appearing attorneys are not aware of related cases.
10. There is no additional information required by local rule.
11. The appearing attorneys are not aware of other party members.
12. This form has been served on all other parties and Certificate of Service is attached.

Respectfully Submitted,

/s/ Tara L. Gerber  
Tara L. Gerber (31717-49)  
Assistant Corporation Counsel  
OFFICE OF CORPORATION COUNSEL  
200 East Washington Street, Suite 1601  
Indianapolis, Indiana 46204  
Telephone: (317) 327-4055  
Email: tara.gerber@indy.gov

**CERTIFICATE OF SERVICE**

I certify that the foregoing was electronically filed on this Thursday, August 5, 2021 through the Indiana E-Filing System, and the following Registered User was served via E-Service through the Indiana E-Filing System on the same day:

Brandon E. Tate  
156 East Market Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
[brandon@wtbfslaw.com](mailto:brandon@wtbfslaw.com)

Heather L George Myers  
P.O. Box 507  
Greenwood, IN 46142  
[hgeorgemyers@gmail.com](mailto:hgeorgemyers@gmail.com)

/s/ Tara L. Gerber  
Tara L. Gerber (31717-49)  
Assistant Corporation Counsel  
OFFICE OF CORPORATION COUNSEL

OFFICE OF CORPORATION COUNSEL  
200 East Washington Street, Room 1601  
Indianapolis, Indiana 46204  
Telephone: (317) 327-4055  
Fax: (317) 327-3968

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF MARION        )        CAUSE NO.    49D06-2107-CT-024397

GAYL ANN FLYNN, individually and as Special        )  
Representative of the ESTATE OF EDWARD            )  
LOUIS FLYNN    )  
  )  
  Plaintiff,        )  
  )  
  v.                        )  
  )  
CONSOLIDATED CITY OF INDIANAPOLIS and            )  
MARION COUNTY, DANIEL BUTLER,                    )  
OMARI STRINGER, DUSTIN PERVINE and                )  
CODY ST. JOHN    )  
  )  
  Defendants.                )

**NOTICE OF AUTOMATIC ENLARGEMENT OF TIME**

Defendants, Consolidated City of Indianapolis and Marion County, Daniel Butler, Omari Stringer, Dustin Pervine and Cody St. John, by counsel, hereby give notice pursuant to LR 49-TR5-203, respectfully request an Enlargement of Time in which to respond to Plaintiff's Complaint. Defendants received service of Plaintiff's Complaint on July 27, 2021. A response is due on August 19, 2021. Defendants request an additional thirty (30) days, up to and including September 20, 2021. This is Defendant's first enlargement of time.

Respectfully Submitted,

/s/ Tara L. Gerber  
Tara L. Gerber (31717-49)  
Assistant Corporation Counsel  
OFFICE OF CORPORATION COUNSEL  
200 East Washington Street, Suite 1601  
Indianapolis, Indiana 46204

Telephone: (317) 327-4055  
Email: tara.gerber@indy.gov

**CERTIFICATE OF SERVICE**

I certify that the foregoing was electronically filed on this Thursday, August 5, 2021 through the Indiana E-Filing System, and the following Registered User was served via E-Service through the Indiana E-Filing System on the same day:

Brandon E. Tate  
156 East Market Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
[brandon@wtbfslaw.com](mailto:brandon@wtbfslaw.com)

Heather L George Myers  
P.O. Box 507  
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